

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4308 of 2006()

CRA.627/2005 of ADDITIONAL DIST. & SESSIONS COURT (ADHOC)-II, KOLLAM
CC.934/2002 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOLLAM
.....

REVN. PETITIONER: APPELLANT/ACCUSED

LEELA RAMACHANDRAN, W/O.VIJAYARAGHAVA KURUP
NIRMALYAM, MULANKADAKOM WARD NO.7
THIRUMULLAVARAM P.O., KOLLAM.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA
SMT.RAGAM.S.MOHAN

RESPONDENTS: RESPONDENTS/STATE & COMPLAINANT

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. E.BABY
MUBARAK MANZIL, ISWARYA NAGAR
VADAKKEVILA P.O., KOLLAM.

BY ADV. SRI.GEORGE MATHEWS
BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4308 of 2006

Dated this the 5th day of December, 2006

ORDER

The petitioner was found guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to undergo simple imprisonment for a period of seven months and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for a further period of two months. The petitioner challenged the conviction and sentence in appeal. The appellate court dismissed the appeal and confirmed the conviction and sentence.

2. Crl.M.ANo.12472/2006 was filed by the petitioner/accused and the second respondent/complainant under Section 147 of the Negotiable Instruments Act stating that the dispute has been settled between the parties and that the entire amount covered by the cheque was received by the complainant. That application was allowed.

Accordingly, this Crl.R.P. is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

**K.T.SANKARAN,
JUDGE**

csl

